



COUNTY OF LOS ANGELES

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June 5, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *J. Fielding*
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Produce Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revised inspection criteria, and increased sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

A motion by Supervisors Antonovich and Yaroslavsky, instructed me to report back within 15 days on 1) recommendations for increasing the number of produce vendor inspections to be required on an annual basis, 2) any appropriate changes in either State or County regulations and/or codes related to licensing, inspection and enforcement of wholesale produce facilities, 3) improving coordination between cities and the County in permitting and inspecting the condition and operation of wholesale produce facilities, 4) a review of the violations that have been rendered or given to other distribution centers within Los Angeles County to see if there is a pattern across markets or if the 7th Street Market is an exception, 5) a timeline of actions taken by the on-site inspectors responsible for carrying out the health rules and regulations and 6) whether County Counsel can assist in determining, in coordination with the City of Los Angeles, any legal actions that may need to be taken in relation to the 7th Street Market violations.

On February 21, March 23, and April 27, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

ADDITIONAL ACTIONS IMPLEMENTED

On April 3, 2007, Environmental Health staff held a follow-up meeting with the owner and managers of the 7th Street Market complex. The status of action items discussed at this meeting is:

1. The complex management submitted plans to install two additional restroom and janitorial facilities on 3/9/07. The plans were returned for correction on 4/2/07, resubmitted and approved on 5/3/07. Construction began on Tuesday 5/29/07.
2. The complex management is transitioning to amended leases for all tenants. Tenants will be required to participate in a centralized onsite refuse collection program that includes provision of marked, lockable garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. The complex management submitted plans to remodel the refuse disposal area and implement a recycling program on May 30, 2007. However, the plans could not be reviewed until payment of the plan check fee was received, which occurred on 6-4-07.

Tenants will also be required to participate in centralized pest control efforts that include right-of-entry for complex pest control contractor to inspect and treat individual spaces as well as integrate control measures for the common spaces and activities of the complex as a whole. According to the complex management, all of the tenants have signed this new pest service agreement.

3. The proposal to install additional exterior lighting has been submitted and approved by Los Angeles City Building and Safety Department. The repair of the existing lighting fixtures at the carport is still underway.
4. The complex owners are in discussions with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the east building within the complex. Construction plans to install a 18,000 sq. ft. awning/canopy were submitted to Environmental Health on 5/30/07.
5. Complex management is implementing recommendations regarding the elimination of several rodent harborages and repair of damaged exterior building complex walls, however they have not met acceptable compliance standards. This issue remains part of the criminal complaint against the market complex and will be further addressed through the legal process.
6. The cleaning of the entire second floor of all buildings in the complex, including the removal of accumulated debris, rodent and bird droppings, and bird and rodent carcasses, has been completed and remains in compliance.
7. The complex management is in the process of developing a plan to resurface the grounds which will eliminate the pot holes and the potential for waste water accumulation.

Inspectors continue to inspect and monitor the 7th Street Market complex. The condition of the market has remained stable in that: 1) no produce is dumped on the ground, 2) no food products are stored near garbage or trash receptacles, 3) common restrooms are consistently supplied with hot water, soap and towels, 4) no rodent activity has been observed in the food storage spaces, and 5) all tenants have trash pick-up service.

However, the following violations remain, the lack of rodent proofing in vacant and occupied interior spaces/exterior premises and illegal drainage of waste water into the basement from sub-standard flooring conditions. We are continuing to follow up on these findings until they are resolved.

In order to determine if similar conditions to those which we found at the 7th St. Produce Market Complex exist at the other facilities, we have inspected the nine (9) other wholesale produce complexes within the County, two newly permitted complexes, and all 62 stand-alone wholesale markets. Since the last status update, staff has completed 115 inspections, including 54 routine inspections resulting in 6 closures and 7 hearings. All (282) active wholesale food market licensees have been inspected to date. The statistical count for the wholesale produce market inventory is as follows: a total of 303 inspections, 490 follow-up compliance inspections, 83 complaint inspections, 118 closures, 147 office hearings and 4 permit revocations.

The conditions at these markets were consistent with, but not as severe as, those violations found at the 7th Street Market. We found the following violations: 1) rodent infestation, 2) floor, walls and/or ceilings in disrepair/unclean, 3) inadequate rodent proofing, and 4) the lack of a public health license to operate. In at least two complexes, significant renovation/remodeling will be required due to unapproved or dilapidated structures. Three of the complexes were directed to install exterior canopies to protect food products during the staging operations. Two of these complexes have submitted plans for the installation of the canopies and both of the plans have been approved.

Environmental Health staff has completed an evaluation of each complex. Three of the complexes require long term compliance plans. Meetings are being scheduled to discuss proposed 90-day improvement plans with the complex management and tenants in each of the affected sites.

LEGAL ACTIONS

Environmental Health filed 32 Reports of Investigation in support of criminal complaints, including one against the owner/operator of the 7th Street Wholesale Market Complex, with the Los Angeles City Attorney's office. On March 12, 2007 the City Attorney filed criminal complaints from the Department of Public Health and Los Angeles City Department of Building and Safety. The first of these cases, against the owner/operator of the 7th Street Wholesale Market Complex, was scheduled for arraignment on May 3, 2007 however it was rescheduled to June 6, 2007. Eight more cases against individual wholesale market operators involving rodent infestations will be arraigned individually from June 7 – July 18, 2007. The remaining 23 cases also against individual wholesale market operators will be scheduled for city attorney hearings.

RECOMMENDATIONS ON CHANGES IN STATE OR COUNTY REGULATIONS

Public Health staff and County Counsel have completed a proposed ordinance which will require that the owners of any wholesale produce facility obtain a public health license (in addition to the licenses issued to each individual vendor). We expect to file the ordinance for the Board's consideration on July 24, 2007.

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INVESTIGATION OF STAFF FAILURES

The Inspection and Audit Division of Public Health has completed their investigation and disciplinary actions are being implemented.

I will provide a further update on our progress by July 6, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF:tp
PH:702:002(5)

c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors